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## SENATE BILL No. 479

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-42-4-1.

**Synopsis:** Rape. Adds a new classification to the crime of rape by providing that if a person has sexual intercourse with another person when the other person has not voluntarily consented, the person commits rape as a Class C felony. Makes the offense a Class B felony if the other person is so physically disabled or deficient as to be unable to give consent. (Current law provides that rape is a Class B or a Class A felony, depending upon the circumstances.)

**Effective:** July 1, 2001.

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### Bowser

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January 22, 2001, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## SENATE BILL No. 479

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 35-42-4-1 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. ~~(a)~~ Except as  
3       provided in ~~subsection (b)~~, **subdivisions (1) and (2)**, a person who  
4       knowingly or intentionally has sexual intercourse with a member of the  
5       opposite sex when **the other person has not voluntarily consented to**  
6       **have sexual intercourse commits rape, a Class C felony. However,**  
7       **the offense is a:**

8       (1) **Class B felony if:**

9       (A) the other person is compelled by force or imminent threat  
10      of force;

11      ~~(2)~~ (B) the other person is unaware that the sexual intercourse  
12      is occurring; or

13      ~~(3)~~ (C) the other person is so mentally **or physically** disabled  
14      or deficient that consent to sexual intercourse cannot be given;

15      **and**

16      **commits rape, a Class B felony.**

17      ~~(b)~~ **An offense described in subsection (a) is a (2) Class A felony**



1 if:

2 ~~(1)~~ **(A)** it is committed by using or threatening the use of  
3 deadly force;

4 ~~(2)~~ **(B)** it is committed while armed with a deadly weapon;

5 ~~(3)~~ **(C)** it results in serious bodily injury to a person other than  
6 a defendant; or

7 ~~(4)~~ **(D)** the commission of the offense is facilitated by  
8 furnishing the victim, without the victim's knowledge, with a  
9 drug (as defined in IC 16-42-19-2(1)) or a controlled substance  
10 (as defined in IC 35-48-1-9) or knowing that the victim was  
11 furnished with the drug or controlled substance without the  
12 victim's knowledge.

13 SECTION 2. [EFFECTIVE JULY 1, 2001] **IC 35-42-4-1, as**  
14 **amended by this act, applies only to crimes committed after June**  
15 **30, 2001.**

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